

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

<b>KONAMI CORPORATION,</b> <b>Plaintiff</b>	)	
	)	
	)	
<b>v.</b>	)	<b>No. 2:05-cv-00173-LED</b>
	)	
<b>ROXOR GAMES, INC.,</b> <b>MAD CATZ, INC., and</b> <b>REDOCTANE, INC.,</b> <b>Defendants.</b>	) ) ) ) ) ) )	

**AGREED ORDER TO DISMISS WITH PREJUDICE**

Before the Court is the Motion for Dismissal With Prejudice and the Stipulation of Dismissal With Prejudice, in which the Defendant Roxor Games, Inc. admits and stipulates that (i) U.S. Patent No. 6,410,835 is fully enforceable and there exists no ground or reason for any unenforceability thereof; (ii) each and every of claims 11-15, 17-26, and 28-51, inclusive (the “Asserted Patent Claims”) of the patent-in-suit is fully valid and there exists no ground or reason for any invalidity thereof; and (iii) any direct or indirect making, producing, having made and produced, importing, exporting, using, marketing, offering to sell and selling of the products of Defendant Roxor Games, Inc. that are accused in this lawsuit infringes the Asserted Patent Claims of the patent-in-suit and that no defense exists regarding a claim or action of such infringement. The Court, after reviewing the Motion and Stipulation, is of the opinion that the Motion should be granted. It is therefore,

ORDERED that Defendant Roxor Games, Inc., and officers, agents, servants, employees, and any person in active concert or participation with them, are hereby permanently enjoined from, direct or indirectly, making, having made, importing, using, offering to sell or lease, and/or selling or leasing, or assisting, causing, inducing, or agreeing with any other entity to make, have

made, import, use, offer to sell or lease, and/or sell or lease, any dance games and other rhythmic games that use computer technology to infringe one or more of the Asserted Patent Claims, specifically including, without limitation, the In The Groove(R) dance video game, including, but not limited to, all generations of Roxor's In The Groove(R) arcade dance games, In The Groove(R) home console dance games, and In The Groove(R) personal computer dance games.

FURTHER ORDERED that that all claims and counterclaims between Plaintiff Konami and Defendant Roxor Games, Inc. are dismissed with prejudice to the refiling of the same, with all costs and fees to be borne by the party incurring such costs and fees, and that Defendant Roxor Games, Inc., having no further claims pending in the present case by or against it, is hereby dismissed from this action.

**So ORDERED and SIGNED this 23rd day of October, 2006.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**